

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

REGINALD DICKERSON, LLOYD
HALL, BRANDON REED, AND
HARRISON BROWN,

Plaintiffs,

v.

CAL WASTE SOLUTIONS, JIMMY
DUONG, RUTH LUI, OSCAR RAMIREZ,
STAN BEAL, RICH GROGRAN AND
DOES 1-50,

Defendants.

No. C 08-03773 WHA

**ORDER REGARDING
NOTICE OF SETTLEMENT
FILED SEPTEMBER 11, 2009**

The Court is in receipt of plaintiff's notice of settlement filed on September 11, 2009. This filing is insufficient to suspend the deadlines currently in place, which include a pretrial conference scheduled for September 28, 2009, and a trial date of October 13, 2009. In the Court's case management order dated October 2, 2008, paragraph 12 provides as follows (Dkt No. 40):

To avoid any misunderstanding with respect to the final pretrial conference and trial, the Court wishes to emphasize that all filings and appearances must be made — on pain of dismissal, default or other sanction — unless and until a dismissal fully resolving the case is received. It will not be enough to inform the clerk that a settlement in principle has been reached or to lodge a partially executed settlement agreement or to lodge a fully executed agreement (or dismissal) that resolves less than the entire case. Where, however, a fully-executed settlement agreement clearly and fully disposing of the entire case is lodged reasonably in advance of the pretrial conference or trial and only a ministerial

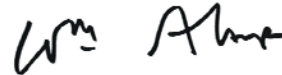
1 act remains, the Court will arrange a telephone conference to
2 work out an alternate procedure pending a formal dismissal.

3 Notwithstanding the above admonition, plaintiff's submission states that "the parties in
4 the above action have negotiated a settlement. Upon the finalization of the settlement,
5 [p]laintiffs will dismiss this action in its entirety" (Dkt No. 174). This is not enough. A copy of
6 a fully-executed settlement agreement is not attached to the verify the above statement.
7 Moreover, it is unclear from the notice when exactly a stipulated request for dismissal will be
8 filed with the Court. As such, the parties must honor all deadlines until a complete dismissal is
9 entered.

10 Should, however, the parties submit a fully-executed settlement agreement with specific
11 proof that only a ministerial act remains, the Court will set a telephone conference to consider
12 an alternate procedure pending the formal dismissal of this case.

13 **IT IS SO ORDERED.**

14 Dated: September 15, 2009.



15 WILLIAM ALSUP
16 UNITED STATES DISTRICT JUDGE
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